

## **REMARKS**

This application has been carefully reviewed in light of the above office action. Reconsideration is respectfully requested in view of the following:

### **Interview Summary**

On May 5, 2005, Mr. Fred Zustak, Esq. and the undersigned met personally with Examiners Eleni Shiferaw and Chris La Forgia regarding this application. The undersigned and Mr. Zustak appreciate the courtesy extended by Ms. Shiferaw and Mr. La Forgia during that interview, and invite the Examiners to feel free to call on the undersigned if any issues arise upon review of this response.

During that interview, an animated video presentation was made to the Examiner which illustrates some basic attributes of multiple selective encryption. An exemplary claim and the Jandel reference of record were discussed. The undersigned and Mr. Zustak indicated that a distinction over the Jandel reference is that Jandel does not duplicate selected content and does not encrypt duplicate copies of the same selected content. Instead, Jandel's encrypted content is never duplicated and represents progressive enhancements to resolution of an image. The undersigned and Mr. Zustak agree that amendments to the claims are in order to assure that this distinction is clear. Additional distinctions were also discussed. Several proposed amendments to distinguish over the Jandel reference were discussed.

### **The Rejections under 35 U.S.C. §101**

Claims 4, 5 and 26 were rejected under 35 U.S.C. §101. Regarding claims 4 and 5, these claims have been amended nearly as suggested in the Office Action. However, if the Examiner's suggestion were adopted verbatim, these claims would apparently only read on a computer program implementation. The terms "functions" and "implemented" have therefore been used in place of the "program" oriented language. The language is now believed to be statutory.

Regarding claim 26, the proposed amendment appears to change the meaning of the claim substantially. As written, the claim covers a transmission medium carrying

instructions that can be used to decode a television program. The proposed change would apparently read on the television program itself, but when the proposed substitution is actually made, the television program language appears redundant.

In view of this, claim 26 has been amended in a manner that is believed to be clearly statutory and in compliance with the spirit of the Examiner's suggested language.

Accordingly, reconsideration of these rejections and allowance are respectfully requested.

### **The Provisional Double Patenting Rejections**

Claims 1-5, 6, 14, 27, 35 and 43 of the present application are rejected based on the Judicially created doctrine of Double Patenting based upon application 10/037,914. In view of this rejection, Applicant submits herewith a terminal disclaimer. A similar terminal disclaimer will be presented in application 10/037,914.

### **The Rejections under 35 U.S.C. §102**

Claims 1-17, 20-29, 32-34, 42-50, 52-58, 60-78 and 81-82 were rejected as anticipated by the Jandel reference of record.

The claims of the present application are intended to cover various aspects of multiple selective encryption (or multiple partial encryption). In multiple selective encryption, a segment of content is selected according to a selection criteria for encryption. This segment is then duplicated and encrypted under multiple encryption systems, while the remainder of the content is unencrypted. In the present embodiment, the selection criteria is based upon selection of one of the elementary streams of a digital audio/video signal. This permits receiving devices operating under any of the multiple encryption schemes to obtain access to the segment of the content which has been encrypted, and thus obtain access to the content. The selection criteria is established to select segments of content that, if encrypted, will make use of the content difficult, impossible, or at least unpleasant. The clear content is generally not useful without the encrypted content.

Upon review of the Jandel reference, it is noted that Jandel does not duplicate the content for encryption and Jandel does not encrypt the same content multiple times under

multiple encryption schemes. Instead, Jandel provides clear viewable content at a low resolution. Decryption of a first set of encrypted data adds to the resolution of the image. Decryption of a second set of encrypted data progressively adds further resolution to the content. With reference to Fig. 1 of Jandel, segment 101 is clear and provides a low resolution image 107. Segment 109, if decrypted and added to the information from 101 results in a medium resolution image 111. Finally, segment 105, if decrypted and added to the information from both 101 and 103 progressively produces a higher quality image 115. (See, e.g., page 3, par. 2-3 and page 4, last par. through page 5 third par.)

Jandel's invention is designed to provide reduced need for storage by eliminating the need to store, e.g., three different images with three different resolutions. Instead, only one image of high resolution is stored, with data providing varying levels of resolution above the low resolution image being encrypted and available for progressively enhanced resolution if the recipient pays appropriately for the privilege.

In general, the Jandel reference does not teach or suggest multiple selective encryption as taught by Applicant in which portions of content are selected, duplicated and encrypted under separate encryption methods. In light of the Jandel reference, the language of the claims has been reviewed in order to determine that they in fact distinguish over this reference and clearly recite features distinctive to the multiple selective encryption arrangement disclosed.

Accordingly, the independent claims are discussed below:

Regarding independent claim 1, this claim has been amended to assure that it is clear that the first and second content are identical when unencrypted. There is no teaching or suggestion of multiple encryption of identical content in the cited references. Thus, it is believed clear that claims 1-5 are allowable.

Regarding independent claim 6, Applicant is unable to find the teaching asserted in the Office Action, but nevertheless, this claim has also been amended to assure that it is clear that the content is multiple selectively encrypted with duplicate identical content encrypted, and that the data stream representing the program is created using clear data and decrypted data identified by different PIDs. This clearly distinguishes over the cited references including Jandel. Accordingly, claims 6-13 are believed clearly allowable.

Regarding independent claim 14, Applicant is again unable to find the teaching asserted in the Office Action, but nevertheless, this claim has also been amended in the manner similar to that of claim 6. Accordingly, claims 14-26 are believed clearly allowable.

Regarding independent claim 27, this claim has also been amended to clearly identify the nature of the multiple selectively encrypted content of duplicates of identical content. This clearly distinguishes over the cited references including Jandel. Accordingly, claims 27-35 are believed clearly allowable.

Regarding independent claim 36, this claim has also been amended in a manner similar to claim 27. The remarks regarding claim 27 are equally applicable. Accordingly, claims 36-47 are believed clearly allowable.

Regarding independent claim 43, this claim is believed to distinguish over the cited art as presented. The cited art does not disclose or suggest pairs of encrypted packets in which a television program is made up of unencrypted packets plus one of the pairs of encrypted packets. Nevertheless, claim 43 has been amended to clarify that the pairs of packets contain identical content. Accordingly, claims 43-48 are believed clearly allowable.

Regarding independent claims 49, 55, 68 and 76 and 82, these claims have been amended in a manner similar to claim 1 in order to assure that the nature of the multiple selective encryption of duplicates of the same content is explicit. Accordingly, claims 49-85 are believed clearly allowable for similar reasons.

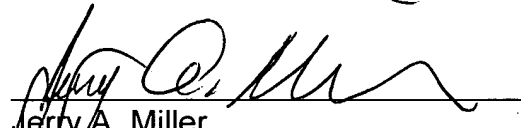
### **Concluding Remarks**

In view of the above amendments and comments, it is believed clear that all claims are now in condition for allowance. All claims now clearly require that the multiple encrypted content encrypts duplicate information using multiple encryption methods. There is no teaching or suggestion in any of the cited references of this. The undersigned additionally notes that many other distinctions exist between the cited references and the invention as claimed. However, in view of the clear distinctions pointed out above, further discussion is believed to be unnecessary at this time. Failure to address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's position.

No amendment made herein was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim unless an argument has been made herein that such amendment has been made to distinguish over a particular reference or combination of references.

In view of this communication, all claims are now believed to be in condition for allowance and such is respectfully requested at an early date. If further matters remain to be resolved, the undersigned respectfully requests the courtesy of a telephone call. The undersigned can be reached at the telephone number below.

Respectfully submitted,



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